

## **PREPARATION AND FILING OF CJA FORM 20**

**FILING INSTRUCTIONS.** The Court requires that the CJA 20 voucher be filed within 60 days of final disposition of the case. Final disposition for this purpose means the later of: (1) the date of judgment; (2) the denial of rehearing; or (3) the granting or denial of a petition for writ of certiorari by the Supreme Court.

Submit your CJA 20 voucher to the attention of Patty Layne, Clerk's Office, 1100 East Main Street, Suite 501, Richmond, Virginia 23219-3517. The voucher must be accompanied by time and expense worksheets, receipts, and other documentation as set forth below. Counsel must retain a copy of the same documentation for three years for audit purposes. Any questions regarding compensation, reimbursable expenses, or preparation of vouchers should be directed to Patty Layne in the Clerk's Office, (804) 916-2727.

A line-by line explanation of CJA Form 20 and required supporting documentation follows:

**ITEMS 1-13.** The Clerk's Office has completed this information on the form; however, you should check that the information in item 12 is correct. The compensation check is mailed from the Disbursing Office at the Administrative Office in Washington, DC to the address shown on the voucher. If the address is incorrect, the check will not be forwarded by the post office to another address.

**ITEM 14--Law Firm Name, Address & TIN if Earnings Belong to Firm.** Complete this Item ONLY if you have a pre-existing agreement with a law firm or corporation (including a professional corporation) that CJA earnings belong to the law firm or corporation, rather than to you. If you have such an agreement, you must provide the court with the law firm or corporation's Taxpayer Identification Number (TIN) and their name and address. This information will allow the earnings to be reported to the Internal Revenue Service on a 1099 statement as earnings of the law firm or corporation rather than as your earnings.

**ITEM 15--In-Court Compensation.** Up to one hour of in-court time (claimed at Item 15.g) is compensated at the rate of \$65 per hour for work done on or after January 1, 1996, at the rate of \$70 per hour for work done on or after January 1, 2000, at the rate of \$75 for work done on or after April 1, 2001, and at the rate of \$90 per hour for work done on or after May 1, 2002. Multiply \$65, \$70, \$75, or \$90 times the amount of in-court time to obtain the Total Amount Claimed for in-court compensation. Any time in excess of one hour must be added to the out-of-court time and figured at the rate of \$45 per hour for work done on or after January 1, 1996, at the rate of \$50 per hour for work done on or after January 1, 2000, at the rate of \$55 per hour for work done on or after April 1, 2001, and at the rate of \$90 per hour for work done on or after May 1, 2002.

**ITEM 16--Out-of-Court Compensation.** All out-of-court time is compensated at the rate of \$45 per hour for work done on or after January 1, 1996, at the rate of \$50 per hour for work done on or after January 1, 2000, at the rate of \$55 per hour for work done on or after April 1, 2001,

and at the rate of \$90 per hour for work done on or after May 1, 2002. On the applicable lines enter the actual time spent in hours and tenths of hours, multiply the number of hours spent by \$45, \$50, \$55, or \$90 depending upon the rate applicable at the time the work was done, and enter this figure in Item 16. Claims for compensation must be supported with an itemized statement of the time spent on the appeal. The itemized statement must show a brief description of the services rendered broken down into 16(a) interviews and conferences, 16(b) obtaining and reviewing records, 16(c) legal research and brief writing, 16(d) travel, and 16(e) investigative and other work, and the amount of time spent in hours and tenths of hours, charged on each separate date. Use of the worksheet that was issued to you with your order of appointment facilitates the Court's review of your request for compensation and reimbursement of expenses. However, billing records may be submitted in place of the worksheet so long as all hours claimed are assigned to one of the five categories and the totals for each category are listed on the face of the voucher. If compensation is requested for time spent in preparation of a petition for writ of certiorari, a copy of the petition must be attached to the voucher.

A \$3,700 limitation, exclusive of expenses, applies to the compensation payable to appointed attorneys in direct criminal appeals, appeals from the denial of habeas corpus relief, and civil forfeiture appeals. For interlocutory appeals, appeals from orders dismissing an indictment, appeals from post-judgment motions, bail appeals, commitment appeals, appeals from probation revocation proceedings, extraordinary writs, and motions for authorization to file successive petitions, a \$1,200 limit applies. If another attorney is substituted during the appeal, joint compensation is limited to the statutory case maximum. Unless appointed in accordance with the Criminal Justice Act or acting with prior authorization of the Court, followed by entry of appearance in the case, co-counsel or associate attorneys may not be compensated directly or indirectly under the Act. However, appointed counsel may claim compensation for services furnished by a partner or associate in appointed counsel's law firm within the maximum compensation allowed by the Act, separately identifying the provider for each service. If compensation is sought in excess of the limitation, a memorandum detailing services must be attached to the voucher. If you are seeking compensation in excess of the limitation, you have the burden of providing sufficient details to establish that the case was more complex or time consuming than the average case and that the number of hours claimed is reasonable.

**ITEM 17--Travel Expenses.** Expenses for travel (e.g., transportation, lodging, meals, car rental, parking, tolls, etc.) must be itemized on an expense worksheet, indicating the date and the expense incurred, and the total for all travel expenses entered at Item 17. **DETAILED RECEIPTS ARE REQUIRED FOR ALL TRAVEL EXPENSES.** The CJA Guidelines prohibit the Court from reimbursing counsel for alcoholic beverages, safe deposit boxes, in-room movies, or for lodging and/or expenses for anyone other than court-appointed counsel. In order for the Court to comply with the prescribed limits, we require hotel and restaurant bills rather than credit card receipts. If you did not make your plane or train reservations through the National Travel Service, you must include a statement that the ticket you purchased cost less than the government rate you could have obtained through NTS. Otherwise, reimbursement will be limited to the rate you could have obtained through NTS. Automobile travel will be reimbursed at a rate of 34.5 cents per mile for travel after 1/22/01, 36.5 cents per mile for travel after 1/20/02, 36 cents per mile for travel on or after 1/1/03, and 37.5 cents per mile for travel on or

after 1/1/04. An itemized statement containing the date of travel, destination, number of miles and rate per mile must be submitted to document this expense.

**ITEM 18--Other Expenses.** All other reimbursable expenses must also be itemized on the expense worksheet, indicating the date and expense incurred, and the total for all other expenses must be entered at Item 18. FOR EXPENSES OTHER THAN THOSE RELATED TO TRAVEL, RECEIPTS ARE REQUIRED FOR ANY EXPENSE EXCEEDING \$50.

**Photocopying.** Copying services performed in your office will be reimbursed as out-of-pocket expense, not to exceed \$.15 per copy and must be supported with an itemized statement containing the date, number of copies and cost per page. For photocopying and other services in preparation of briefs and appendices by commercial printers, reimbursement shall not exceed \$.35 per copy. If a commercial printer prepared the briefs and appendix and printing costs exceeded \$100, the printer may make separate application on a CJA Form 21 for direct payment for the costs incurred. If commercial printing costs of less than \$100 were incurred, counsel may request reimbursement by submitting a copy of the printer's invoice with counsel's voucher. Petitions for rehearing should have been copied in-house as the Court does not reimburse commercial printers for such costs. Because Rule 14(1)(i) of the Supreme Court Rules requires only an extremely limited appendix to accompany a petition for writ of certiorari, copying costs for petitions for writs of certiorari and accompanying appendices shall not exceed \$300 absent advance permission of the Court of Appeals.

**Computer Assisted Legal Research.** Claims for reimbursement of charges for computer assisted legal research equipment must be supported with the following:

- 1) A brief statement setting forth the issue or issues that were the subject matter of the research;
- 2) An estimate of the number of hours of attorney-time that would have been required to do the research manually; and
- 3) A copy of the bill and receipt for the use of the equipment, and an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

**Qualified Law Student or Law Clerk.** Claims for reimbursement of charges for legal research performed by a qualified law student or law clerk must be supported with a brief statement setting forth the issue or issues that were the subject matter of the research and the hourly rate claimed for such qualified law student or law clerk.

**Long Distance Telephone Calls and Facsimile Charges.** An itemized statement containing the date and cost of each long distance call or fax charge must be attached to

the voucher. If the amount exceeds \$50, a copy of the bill must also be attached. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

**Miscellaneous Other Expenses.** Postage, courier services, etc. must be supported by an itemized statement containing the date, brief description of the service rendered and why, as well as the cost of each individual service. If the expense exceeds \$50, a detailed receipt must also be attached. Counsel may also claim reimbursement for the expenses of successfully defending malpractice claims arising out of representational services, not to exceed the deductible amount of counsel's professional liability insurance policy or \$5,000, whichever is less.

**GRAND TOTALS.** Enter the grand total claimed by adding in-court compensation, out-of-court compensation, travel expenses, and other expenses.

**ITEM 19--Dates of Service.** You must certify the dates your representation began and ended.

**ITEM 20--Appointment Termination Date.** If your appointment was discontinued by order of the court, give the effective date for termination of appointment.

**ITEM 21--Case Disposition.** Enter one of the following case disposition codes: A for Affirmed; R for Reversed; 0 for Remanded; RA for Reversed in Part/Affirmed in Part; AR for Affirmed in Part/Reversed in Part; 1 for Dismissed.

**ITEM 22--Claim Status.** Indicate by checking the appropriate box whether the voucher is (1) the final payment for services, (2) an interim payment, or (3) a supplemental payment (additional claim submitted after final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22 and sign and date the affirmation statement.

**ITEMS 23-34a.** These items will be completed by the Court after submission of the voucher. Every claim for compensation for services rendered and/or reimbursement for expenses incurred must be reviewed for both reasonableness and compliance with the CJA.

**RECORDS.** For audit purposes, the CJA requires counsel to retain time and expense records for three years after approval of the voucher.

**PUBLIC DISCLOSURE.** CJA 20 vouchers filed by counsel are subject to public disclosure unless disclosure should be limited based upon: (1) protection of any person's Fifth Amendment right against self-incrimination; (2) protection of the defendant's Sixth Amendment right to effective assistance of counsel; (3) the defendant's attorney-client privilege; (4) the work-product privilege of defendant's counsel; (5) the safety of any person; or (6) any other interest that justice may require. If counsel wishes to request redaction or non-disclosure of any portion of the voucher based upon one of these interests, counsel should seek such relief by motion at the

time the voucher is filed. Absent such a motion, the voucher will be made available to the public upon request.